

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01327-CRC**

ROSEBROCK et al v. U.S. DEPARTMENT OF VETERANS
AFFAIRS

Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 07/05/2017

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

ROBERT L. ROSEBROCK

represented by **Paul J. Orfanedes**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: porfanedes@judicialwatch.org
ATTORNEY TO BE NOTICED

Plaintiff

JUDICIAL WATCH, INC.

represented by **Paul J. Orfanedes**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF VETERANS
AFFAIRS**

represented by **Alexander Daniel Shoaibi**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: alexander.d.shoaibi@usdoj.gov
TERMINATED: 07/30/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Leeson Sroka
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/05/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 400 receipt number 0090-5019228) filed by ROBERT L. ROSEBROCK, JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Orfanedes, Paul) (Entered: 07/05/2017)

07/05/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK (Orfanedes, Paul) (Entered: 07/05/2017)
07/05/2017	<u>3</u>	NOTICE of <i>Corrected Civil Cover Sheet and Summonses</i> by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK re <u>1</u> Complaint, (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Orfanedes, Paul) (Entered: 07/05/2017)
07/05/2017		Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 07/06/2017)
07/06/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 07/06/2017)
07/17/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/17/2017. (Answer due for ALL FEDERAL DEFENDANTS by 8/16/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/11/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF VETERANS AFFAIRS served on 7/11/2017 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 07/17/2017)
08/15/2017	<u>6</u>	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of U.S. DEPARTMENT OF VETERANS AFFAIRS (Shoaibi, Alexander) (Entered: 08/15/2017)
08/15/2017	<u>7</u>	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Shoaibi, Alexander) (Entered: 08/15/2017)
08/16/2017		MINUTE ORDER granting <u>7</u> Consent MOTION for Enlargement of Time. Defendant shall respond to the complaint on or before September 15, 2017. Signed by Judge Christopher R. Cooper on 08/16/2017. (lccrc2) (Entered: 08/16/2017)
09/15/2017	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF VETERANS AFFAIRS.(Shoaibi, Alexander) (Entered: 09/15/2017)
09/15/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by September 29, 2017. Signed by Judge Christopher R. Cooper on 9/15/2017. (lccrc2) (Entered: 09/15/2017)
09/15/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 9/29/2017 (lsj) (Entered: 09/15/2017)
10/03/2017	<u>9</u>	PROPOSED BRIEFING SCHEDULE by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Attachments: # <u>1</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 10/03/2017)
10/04/2017		MINUTE ORDER: In light of <u>9</u> the parties' Joint Proposed Schedule, it is ORDERED that the parties shall file a Joint Status Report by December 1, 2017 updating the Court on the status of production and, if necessary, proposing a further schedule of production or briefing. Signed by Judge Christopher R. Cooper on 10/4/2017. (lccrc2) (Entered: 10/04/2017)
10/04/2017		Set/Reset Deadlines: Joint Status Report due by 12/1/2017 (lsj) (Entered: 10/04/2017)
12/01/2017	<u>10</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 12/01/2017)
12/04/2017		MINUTE ORDER: In light of <u>10</u> the parties' joint status report, the parties shall submit a further status report by February 1, 2018 apprising the Court of the progress of Defendant's search for and review of records and, if necessary, proposing a schedule for production or briefing. Signed by Judge Christopher R. Cooper on 12/4/2017. (lccrc2) (Entered: 12/04/2017)

12/04/2017		Set/Reset Deadlines: Joint Status Report due by 2/1/2018 (lsj) (Entered: 12/04/2017)
02/01/2018	<u>11</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 02/01/2018)
02/05/2018		MINUTE ORDER: In light of <u>11</u> the parties' Joint Status Report, the parties shall submit a further status report by April 2, 2018 apprising the Court of the progress of Defendant's search for and review of records and, if necessary, proposing a schedule for production or briefing. Signed by Judge Christopher R. Cooper on 2/5/2018. (lccrc2) (Entered: 02/05/2018)
02/05/2018		Set/Reset Deadlines: Status Report due by 2/2/2018 (lsj) (Entered: 02/05/2018)
03/30/2018	<u>12</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 03/30/2018)
04/03/2018		MINUTE ORDER: In light of <u>12</u> the parties' joint status report, the parties are directed to file a further joint status report by May 15, 2018 proposing a further schedule for production and, if necessary, briefing. Signed by Judge Christopher R. Cooper on 4/3/2018. (lccrc2) (Entered: 04/03/2018)
04/03/2018		Set/Reset Deadlines: Joint Status Report due by 5/15/2018 (lsj) (Entered: 04/03/2018)
05/11/2018	<u>13</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 05/11/2018)
05/14/2018		MINUTE ORDER: In light of <u>13</u> the parties' joint status report, the parties are directed to file a further joint status report by July 2, 2018, updating the Court on the status of production and proposing a further schedule for production and, if necessary, briefing. Signed by Judge Christopher R. Cooper on 5/14/2018. (lccrc2) (Entered: 05/14/2018)
05/14/2018		Set/Reset Deadlines: Joint Status Report due by 7/2/2018 (lsj) (Entered: 05/14/2018)
07/02/2018	<u>14</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 07/02/2018)
07/06/2018		MINUTE ORDER: In light of <u>14</u> the parties' joint status report, the parties shall file a further joint status report by August 30, 2018 updating the Court on the status of production and proposing a further schedule for production and, if necessary, briefing. Signed by Judge Christopher R. Cooper on 7/6/2018. (lccrc2) (Entered: 07/06/2018)
07/06/2018		Set/Reset Deadlines: Status Report due by 8/30/2018 (lsj) (Entered: 07/06/2018)
07/30/2018	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Scott Leeson Sroka on behalf of All Defendants Substituting for attorney Alexander Shoaibi (Sroka, Scott) (Entered: 07/30/2018)
08/30/2018	<u>16</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Sroka, Scott) (Entered: 08/30/2018)
09/04/2018		MINUTE ORDER granting <u>16</u> Motion for Extension of Time to File Joint Status Report. The Joint Status Report shall be due on or before 9/6/2018. Signed by Judge Christopher R. Cooper on 9/4/2018. (lccrc2) (Entered: 09/04/2018)
09/04/2018		Set/Reset Deadlines: Joint Status Report due by 9/6/2018 (lsj) (Entered: 09/04/2018)
09/06/2018	<u>17</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 09/06/2018)
09/06/2018		MINUTE ORDER In light of the parties' <u>17</u> September 6, 2018 joint status report and proposed schedule, the parties shall file a joint status report on or before October 9, 2018, apprising the Court of Defendant's progress and proposing further dates for completing the review, processing, and production of responsive records and any briefing that might be required. Signed by Judge Christopher R. Cooper on 9/6/2018. (lccrc2) (Entered: 09/06/2018)
09/07/2018		Set/Reset Deadlines: Joint Status Report due by 10/9/2018 (lsj) (Entered: 09/07/2018)
10/09/2018	<u>18</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 10/09/2018)

10/10/2018		MINUTE ORDER: In light of the parties' <u>18</u> joint status report, the parties shall file a new joint status report by November 5, 2018, to include, if necessary, a proposed briefing schedule. Signed by Judge Christopher R. Cooper on 10/10/2018. (lccrc2) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Joint Status Report due by 11/5/2018. (znbn) (Entered: 10/11/2018)
11/05/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Sroka, Scott) (Entered: 11/05/2018)
11/06/2018		MINUTE ORDER: In light of the parties' <u>19</u> joint status report, the parties shall file an updated status report on or before December 5, 2018, including a proposed briefing schedule, should one be necessary. Signed by Judge Christopher R. Cooper on 11/6/2018. (lccrc2) (Entered: 11/06/2018)
11/07/2018		Set/Reset Deadlines: Proposed Briefing Schedule and Status Report due by 12/5/2018 (lsj) (Entered: 11/07/2018)
12/04/2018	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Sroka, Scott) (Entered: 12/04/2018)
12/05/2018		MINUTE ORDER: In light of the parties' <u>20</u> joint status report, the parties shall file an updated joint status report on or before January 4, 2019, including a proposed briefing schedule, should one be necessary. Signed by Judge Christopher R. Cooper on 12/5/2018. (lccrc2) (Entered: 12/05/2018)
12/06/2018		Set/Reset Deadlines: Joint Status Report due by 1/4/2019 (lsj) (Entered: 12/06/2018)
01/02/2019	<u>21</u>	Unopposed MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/02/2019)
01/03/2019		MINUTE ORDER granting <u>21</u> Defendant's Unopposed Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/3/2019. (lccrc2) (Entered: 01/03/2019)
02/01/2019		MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019)
02/07/2019	<u>22</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Orfanedes, Paul) (Entered: 02/07/2019)
02/07/2019		MINUTE ORDER: In light of the parties' <u>22</u> joint status report, the parties shall file an updated joint status report on or before April 8, 2019 advising the Court of whether further litigation will be necessary and, if so, proposing a briefing schedule for dispositive motions. Signed by Judge Christopher R. Cooper on 2/7/2019. (lccrc2) (Entered: 02/07/2019)
02/07/2019		Set/Reset Deadlines: Joint Status Report due by 4/8/2019. (znbn) (Entered: 02/07/2019)
04/08/2019	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF VETERANS AFFAIRS. (Sroka, Scott) (Entered: 04/08/2019)
04/09/2019		MINUTE ORDER: Upon consideration of the parties' most recent joint status report, the Court hereby orders the Plaintiffs to identify any remaining objections to the adequacy of the Defendant's search or to its withholdings on or before April 26, 2019. If any issues remain between the parties, the following briefing schedule shall apply: Defendant's motion for summary judgment shall be due on or before May 31, 2019; Plaintiffs' combined cross-motion and opposition shall be due on or before June 20, 2019; Defendant's combined opposition and reply shall be due on or before July 10, 2019; and Plaintiffs' reply shall be due on or before July 24, 2019. Signed by Judge Christopher R. Cooper on 4/9/2019. (lccrc2) (Entered: 04/09/2019)

04/10/2019		Set/Reset Deadlines: Plaintiff to identify remaining objections by 4/26/2019. Summary Judgment motions due by 5/31/2019. Response to Motion for Summary Judgment due by 6/20/2019. Reply to Motion for Summary Judgment due by 7/10/2019. Replies due by 7/24/2019. (lsj) (Entered: 04/10/2019)
05/31/2019	<u>24</u>	Consent MOTION for Extension of Time to by U.S. DEPARTMENT OF VETERANS AFFAIRS (Sroka, Scott) (Entered: 05/31/2019)
06/05/2019		MINUTE ORDER granting <u>24</u> Consent Motion for Extension of Time to File Motion for Summary Judgment. Defendant's motion for summary judgment is due on or before July 1, 2019; Plaintiffs' combined opposition and cross motion is due on or before July 22, 2019; Defendant's combined opposition and reply is due on or before August 12, 2019; and Plaintiffs' reply is due on or before August 26, 2019. No further extensions of the deadline for the government's opening summary judgment brief will be granted. Signed by Judge Christopher R. Cooper on 6/5/2019. (lccrc2) (Entered: 06/05/2019)
06/06/2019		Set/Reset Deadlines: Summary Judgment motions due by 7/1/2019. Response to Motion for Summary Judgment due by 7/22/2019. Reply to Motion for Summary Judgment due by 8/12/2019. Replies due by 8/26/2019. (lsj) (Entered: 06/06/2019)
07/01/2019	<u>25</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Sroka, Scott) (Entered: 07/01/2019)
07/02/2019		MINUTE ORDER granting <u>25</u> Motion for Extension of Time to File. The following deadlines shall apply: Defendant's motion for summary judgment is due on or before July 3, 2019; Plaintiffs' opposition-cross is due on or before July 24, 2019; Defendant's opposition-cross is due on or before August 14, 2019; and Plaintiffs' reply is due on or before August 28, 2019. Signed by Judge Christopher R. Cooper on 7/2/2019. (lccrc2) (Entered: 07/02/2019)
07/02/2019		Set/Reset Deadlines: Summary Judgment motions due by 7/3/2019. Response to Motion for Summary Judgment due by 7/24/2019. Reply to Motion for Summary Judgment due by 8/14/2019. Replies due by 8/28/2019. (lsj) (Entered: 07/02/2019)
07/03/2019	<u>26</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Sroka, Scott) (Entered: 07/03/2019)
07/05/2019		MINUTE ORDER granting <u>26</u> Motion for Extension of Time to File Motion for Summary Judgment. The following deadlines will now apply: Defendant's motion for summary judgment is due on or before July 9, 2019; Plaintiffs' opposition-cross is due on or before July 30, 2019; Defendant's opposition-reply is due on or before August 20, 2019; and Plaintiffs' reply is due on or before September 3, 2019. Signed by Judge Christopher R. Cooper on 7/5/2019. (lccrc2) (Entered: 07/05/2019)
07/05/2019		Set/Reset Deadlines: Summary Judgment motions due by 7/9/2019. Response to Motion for Summary Judgment due by 7/30/2019. Cross Motions due by 7/30/2019. Reply to Motion for Summary Judgment due by 8/20/2019. Response to Cross Motions due by 8/20/2019. Reply to Cross Motions due by 9/3/2019. (znbn) (Entered: 07/05/2019)
07/09/2019	<u>27</u>	MOTION for Summary Judgment <i>and Supporting Memorandum</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Mildred R. Baxter, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Declaration of Richard Ha, # <u>8</u> Exhibit 1, # <u>9</u> Declaration of Stacy Bachman, # <u>10</u> Exhibit 1, # <u>11</u> Declaration of Amber A. Heim, # <u>12</u> Exhibit 1)(Sroka, Scott) (Entered: 07/09/2019)
07/24/2019	<u>28</u>	Memorandum in opposition to re <u>27</u> MOTION for Summary Judgment <i>and Supporting Memorandum With Response to Defendant's Statement of Material Facts</i> filed by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK. (Attachments: # <u>1</u> Declaration of Paul J. Orfanedes (With Exhibit 1-7), # <u>2</u> Text of Proposed Order)(Orfanedes, Paul) (Entered: 07/24/2019)
07/24/2019	<u>29</u>	Cross MOTION for Summary Judgment <i>With Plaintiffs' Statement of Material Facts</i> by JUDICIAL WATCH, INC., ROBERT L. ROSEBROCK (Attachments: # <u>1</u> Statement of Facts of Paul J. Orfanedes (With Exhibits 1-7), # <u>2</u> Text of Proposed

		Order)(Orfanedes, Paul) (Entered: 07/24/2019)
08/20/2019	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>29</u> Cross MOTION for Summary Judgment <i>With Plaintiffs' Statement of Material Facts</i> by U.S. DEPARTMENT OF VETERANS AFFAIRS (Sroka, Scott) (Entered: 08/20/2019)
08/21/2019		MINUTE ORDER granting <u>30</u> Defendant's Consent Motion for Extension of Time. Defendant shall file its combined opposition and reply by September 20, 2019, and Plaintiffs shall file their reply by October 4, 2019. Signed by Judge Christopher R. Cooper on 8/21/19. (lccrc2) (Entered: 08/21/2019)
08/22/2019		Set/Reset Deadlines: Response to Cross Motions due by 9/20/2019. Reply to Cross Motions due by 10/4/2019. (lsj) (Entered: 08/22/2019)